

A CLIENT-CENTERED INTAKE SYSTEM

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A client-centered system is one that empowers clients. It is a system designed to help clients and staff focus on and prevent potential problems. A client-centered system looks beyond the legal problem presented, to the client and his/her whole needs. One must look at the person and the circumstances contributing to the particular legal problem and assist the client in addressing not only the immediate legal matter, but the other issues that are causative of the problem as well.

A client-centered intake system can do this in several ways. However, the intake system should be set up to insure that each client is provided with the information necessary to address the current problem and to prevent foreseeable problems. A typical client generally has problems in addition to the issue that precipitated the call to a legal services program. However, the client may be reluctant to discuss other problems; or the client may be unaware that other issues exist for which legal assistance can be provided.

As a result, in designing a client-centered intake system, it is critical that the necessary resources are available to achieve the goals and objectives. First, an intake system must have attorneys devoted solely to the intake process thereby insuring that each client speaks with an attorney during the initial intake. Using attorneys increases the ability to spot all the issues including those that may be “hidden” by the immediate crisis. In addition, there must be adequate time for the client interview. Given that the attorney must probe for issues that are oftentimes “hidden” by the immediate crisis, additional time is needed to explore other potential issues. However, if the attorney is feeling rushed by the need to get to the next client it is

unlikely that this probing will occur. So, it is critical to devise a system that allows adequate attorney staffing.

Second, an intake system's effectiveness is increased tremendously by the use of attorneys experienced in poverty law or who at least have substantial legal experience in areas that overlap poverty law, i.e. divorce, probate, consumer, or real estate, etc. Experienced attorneys have the enhanced ability to spot issues, inquire for facts that have not been divulged, and most importantly probe for issues of which the client may be unaware. Finally, the program needs to develop educational materials that provide clients with sufficient knowledge to obtain benefits or resolve problems on their own, thereby empowering them.

The following scenarios are perfect examples of the benefits of a client-centered intake system. In each example, by looking beyond the immediate problem, the attorney is able to provide assistance that has far more lasting benefit to the client than the mere resolution of the immediate problem would give.

- (A) A 75-year-old disabled senior living on a small fixed income calls because she is having trouble paying her bill and her utilities are in risk of being shut off. She has a number of health problems and although she has Medicaid coverage she has trouble making ends meet. She understands that the bill is owed, but her income is not stretching far enough. While some would advise the client that there is nothing can be done legally; in a client-centered intake, the attorney would provide advice regarding an energy audit that could potentially lower her usage. The client would also be advised of funds that might be available from the department of social services to assist in paying that bill.

In addition, in our client centered intake system the attorney would also ask if she owns her home and whether there is a mortgage. Inquiry would be made whether she is having difficulty paying her other obligations. If so, when did the financial problems start and what triggered them. If the client states it was refinancing for home improvements, to pay an adult child's gambling debts (more common since the legalization and establishment of casinos in Detroit), to pay her property taxes, etc., a whole host of other issues would be explored. There may be truth in lending, predatory lending, or elder abuse issues that need evaluation and assessment.

Even if there were no mortgage, the client would be advised of the local property tax exemption that is available to low-income homeowners, but which for obvious reasons no locality advertises. In addition, the client would be advised of a property tax rebate offered to senior citizen and/or low-income households. The client would then be provided with a packet of materials designed in assisting the client in applying for the rebate and exemption; and if she needed help in applying, assistance would be given from the intake unit.

Assisting the client in obtaining the property benefits to which she is entitled has several important benefits. First, if she is having trouble making ends meet, it frees her from a substantial financial obligation and effectively puts more money into her hands, which in turn assists the client with her immediate concern, payment of her utility bill.

- (B) A divorced single mother of two children with minimum wage employment at McDonalds calls because she can't stretch her budget to pay her electric bill. She just refinanced her home to take advantage of a lower interest rate and still cannot afford the payments. She wants to file for bankruptcy. In addition to exploring the property tax benefits discussed above, we also make inquiry into her mortgage for truth in lending violations, consumer and sub prime mortgage issues.

Because she is employed with children, we would also ask if she has ever applied for the Earned Income Tax Credit (EITC).¹ A low wage earning family with more than one child and income of less than \$30,580 could have gotten as much as \$3,800 from the EITC in their 1999 tax refund. Putting \$3,800 in a client's hand is true empowerment!

- (C) A young woman's husband started using drugs and has now disappeared leaving her with three small children. He was the primary support for the family and he has provided no financial assistance. She is having trouble paying the bills. She has called to file for a divorce. Given that mortgage foreclosures often result from the dissolution of the marriage, the attorney should make inquiry regarding the status of the mortgage, if any.

Determining if there is a potential for a mortgage foreclosure case at an

¹ Roger Colton, formerly of the National Consumer Law Center in Boston has eloquently made the case that identifying clients who are eligible for the EITC is community development work. Using census data, he argues that increasing the EITC filings in a major urban area by 5 % brings several million dollars of new income annually into that urban area. Marketing data shows that folks who are eligible for the EITC are more likely to spend their money in their communities because of lack of access to transportation to suburban malls. Therefore, the ripple effect of the EITC can include the creation of jobs in inner cities for teens and others who have not benefited from the recent economic boom.

early point (i.e. before the sheriff sale) gives the client many more avenues of resolution and the opportunity to explore them with the assistance of counsel. The attorney can explore the options of bankruptcy, forbearance relief, truth in lending, sub prime mortgage and consumer issues. By going beyond the immediate concern for the client, the attorney is able to assist the client in being proactive in addressing problems that may arise from the initial concern.

- (D) Another client calls for help getting supplemental security income (SSI) benefits for a 4-year-old child with spina bifida. The client mentions that she has other children as well. During the course of discussion, she mentions that she can't get a back brace that the child needs. In addition to exploring the SSI issue, the attorney should also explore whether all of the children have availed themselves of the Early Periodic Screening and Diagnostic Testing (EPSDT) mandated under federal Medicaid statute. With this basic information, the client can access the screening and obtain the necessary services for the all of children and it will also assist her SSI case.

In addition, the attorney should also explore whether the child is receiving appropriate special education services from his school.

Assuring that a disabled child gets appropriate educational services may make the difference between a living on SSI benefits for life or being able to live independently and hold employment. By going beyond the initial

question, the attorney is able to empower the client by giving him a benefit that will last a lifetime.

CONCLUSION

In conclusion, a client centered intake system staff is challenged to look at the whole client and evaluate the entire picture. Giving advice or taking the case that the client calls about is only a small part of the picture. The underlying purpose is two-fold; we want to empower the client by providing resources and information they can use to improve their quality of life. We also want to insure that as we provide legal services, we address clients most critical problems and resolve them in ways that will provide long lasting/permanent benefit and assist the client in avoiding that same problem in the future. This is our goal at Legal Aid and Defender Association, Inc. in Detroit.